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Owner:

I-10/BUNKER HILL ASSOCIATES, L.P.
and/or CIRCUIT CITY STORES, INC.

General Contractor:

U.S. SIGNS, INC.

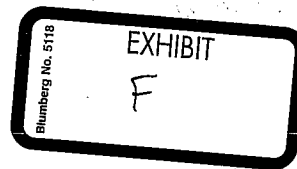
DEBTOR:

CIRCUIT CITY STORES, INC.

Claimant:

U.S. SIGNS, INC.

20080578406
11/26/2008 RP1 \$48.00



AFFIDAVIT CLAIMING MECHANIC'S AND MATERIALMAN'S LIEN

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, a notary public in and for the State of Texas, on this day personally appeared the undersigned, who being by me duly sworn, on oath states:

1. My name is **TIM O'DONNELL**. I am the President and CEO of **U.S. Signs, Inc.**, ("Claimant") and am authorized to make this affidavit on its behalf as the sworn statement of its claim.

2. Claimant furnished materials for the improvement of real property in Harris County, Texas described as the Circuit City Store No. 4237 located at 9714 Katy Freeway, Houston, Harris County, Texas 77055 and more particularly described in Exhibit "B" attached hereto and incorporated by reference.

3. The material was furnished for the improvement of the said real property to **Circuit City Stores, Inc.** whose last known address is 9954 Mayland Drive, Richmond, Virginia 23233. The material was furnished pursuant to an oral contract part of which are invoices to **Circuit City Stores, Inc.** for the months of September and November 2008, who had a construction contract with the owner.

4. **U.S. Signs, Inc.** is the original contractor for such improvement, whose last known address is 1800 Bering Drive, Suite 700, Houston, Texas 77057.

5. **I-10/Bunker Hill Associates, L.P. and/or Circuit City Stores, Inc.** are the owners or reputed owners of the land and improvements thereon, whose last known addresses are 19 Briar Hollow, Suite 100, Houston, Texas 77027 and 9950 Mayland Drive, Richmond, Virginia 23233, respectively. *See*

6. The installation services and the materials furnished by claimant are electric cable, switches and other electrical building materials for the erection of improvements upon the property herein described and consists of the items described on the attached Exhibit "A", incorporated by reference, which is a true and correct statement of the items furnished and the prices thereof are just and reasonable, and reflects the dates of delivery.

7. The amount due, owing and unpaid to claimant for such material is **\$27,534.18** which is true, correct, and just, and all just and lawful offsets, payments, and credits known to the undersigned affiant have been allowed.

8. Claimant's mailing address is 1800 Bering Drive, Suite 700, Houston, Texas 77057. Claimant's physical address is 1800 Bering Drive, Suite 700, Houston, Texas 77057.

9. Claimant sent notices to the reputed owner by certified mail, return receipt requested, on at least November 26, 2008.

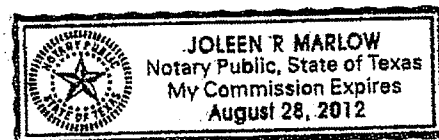
Claimant claims a lien, and also a constitutional lien, if applicable, upon all the above described property and improvements thereon in the amount shown above pursuant to Chapter 53 of the Property Code of the State of Texas, and makes this sworn statement of the claim in support thereof.

U.S. SIGNS, INC. *for*

By: *[Signature]*
TIM O'DONNELL
1800 Bering Drive, Suite 700
Houston, Texas 77057

25, 2008, to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the
STATE OF TEXAS



U.S. SIGNS, INC.

By: 

TIM O'DONNELL

1800 Bering Drive, Suite 700

Houston, Texas 77057

STATE OF TEXAS

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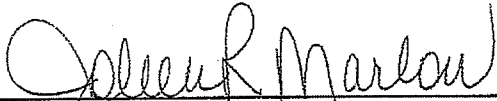
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COUNTY OF HARRIS

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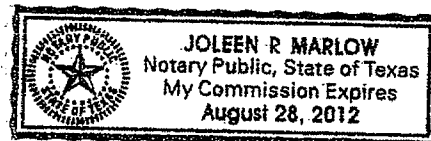
BEFORE ME, the undersigned authority, on this day personally appeared TIM O'DONNELL, President and CEO of U.S. SIGNS, INC., known to me to be the person whose name is subscribed to the foregoing instrument, who after being by me duly sworn acknowledged and stated that the statements contained above are true and correct, that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said entity.

Given under my hand and seal of office, on November 25, 2008.



Notary Public in and for the

STATE OF TEXAS



AFTER RECORDING, PLEASE RETURN TO:

BEN L. ADERHOLT
LOOPER REED & MCGRAW, P.C.
1300 POST OAK BLVD., SUITE 2000
HOUSTON, TEXAS 77056

✓✓

Legal Description of the Property

Being a tract or parcel containing 33.87 acres (1,475,488 square feet) of land situated in the Thomas A. Hoskins Survey, Abstract Number 342, Harris County, Texas; being all of Unrestricted Reserve "A", Block One, BUNKER HILL BUSINESS PARK, a subdivision plat of record at Film Code Number 548230 Harris County Map Records (H.C.M.R.), Harris County, Texas; and being out of and a part of a called 13.8841 acre tract conveyed to Daniel Industries, Inc. as described in deed recorded under Harris County Clerk's File (H.C.C.F.) Number G102971; and being out of and a part of a called 15 acre tract conveyed to Daniel Orifice Fitting Company as described in deed recorded in Volume 2568, Page 392, Harris County Deed Records; and being out of and a part of a called 5.0151 acre tract conveyed to Daniel Industries, Inc. as described in deed recorded under H.C.C.F. Number E268316, all of Harris County, Texas; said 33.87 acre tract being more particularly described as follows (bearings herein are oriented to the bearing base delineated on said record plat):

BEGINNING at a 1-inch iron pipe found in the north right-of-way (R.O.W.) line of Old Katy Road (60-feet wide) marking the southwest corner of a called 7.929 acre-tract conveyed to Bernstein-Perwien Properties as described in deed recorded under H.C.C.F. Number T789584 and marking the most easterly south corner of the aforesaid Unrestricted Reserve "A", Block One, BUNKER HILL BUSINESS PARK;

THENCE, North 88°43'48" West, along the north R.O.W. line of said Old Katy Road and the south line of said Reserve "A", a distance of 1,034.85 to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking the southeast corner of Restricted Reserve "A", PRICE CLUB WITTE RD. - I-10, a subdivision plat of record in Volume 351, Page 21, H.C.M.R. and marking the southwest corner of said Unrestricted Reserve "A", Block One, BUNKER HILL BUSINESS PARK, and also marking the southwest corner of the herein described tract, from which a found 3/4-inch iron pipe bears North 22°07' East, 0.89 feet;

THENCE, North 00°02'48" East, along the common line of said Restricted Reserve "A", PRICE CLUB WITTE RD. - I-10 and said Unrestricted Reserve "A", Block One, BUNKER HILL BUSINESS PARK, at a distance of 97.17 feet passing a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set to replace a previously located 5/8-inch iron rod with cap stamped "TXDOT" found marking the proposed north R.O.W. line of Old Katy Road, continuing along said common line, a total distance of 1,203.55 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking the northwest corner of the aforesaid Unrestricted Reserve "A", Block One, BUNKER HILL BUSINESS PARK and the herein described tract;

THENCE, North 89°55'08" East, along a north line of said Unrestricted Reserve "A", Block One, BUNKER HILL BUSINESS PARK, at a distance of 1,011.34 feet passing a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking an interior corner of said



Unrestricted Reserve "A" and along the north line of the aforesaid 5.0151 acre tract, continuing a total distance of 1,734.71 feet to a magnetic nail with shiner stamped "Terra Surveying" set in the west R.O.W. line of Bunker Hill Road (70-foot wide) and marking the northeast corner of the herein described tract;

THENCE, South $00^{\circ}07'00''$ East, along the west R.O.W. line of said Bunker Hill Road and the east line of said Unrestricted Reserve "A", a distance of 310.15 feet to a magnetic nail with shiner stamped "Terra Surveying" set marking the most southerly east corner of said Unrestricted Reserve "A" and the herein described tract;

THENCE, South $89^{\circ}51'56''$ West, departing said R.O.W. line and along a south line of said Unrestricted Reserve "A", a distance of 700.64 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking an interior corner of said Reserve "A" and the herein described tract;

THENCE, South $00^{\circ}04'04''$ West, along an east line of said Unrestricted Reserve "A", at a distance of 812.69 feet passing a magnetic nail with shiner stamped "Terra Surveying" set in the aforesaid proposed north R.O.W. line of Old Katy Road, from which a found PK nail in asphalt bears North $89^{\circ}08'$ East, 0.22 feet, continuing a total distance of 917.15 feet to the **POINT OF BEGINNING** and containing 33.87 acres (1,475,488 square feet) of land. This description is based on the Land Title Survey and plat prepared by Terra Surveying Company, Inc., dated September 25, 2002, TSC Project Number 2547-0201-S, latest revision dated December 22, 2004.

LESS and EXCEPT the following property:

BEING a 2.381 acre (103,704 square feet) parcel of land located in the T.A. Hoskins Survey, Abstract No. 342, Harris County, Texas, and being out of that certain tract of land conveyed to Daniel Industries, Inc. by deed recorded under Harris County Clerk's File No. G102971 (for a called 13.8841 acre tract), E268316 (for a called 5.0151 acre tract), F612093 (for a called 0.2873 acre tract), G882803 (for a called 0.7439 acre tract), G882802 (for a called 6.3517 acre tract), M164909 (for a called 0.7663 acre tract) and Vol. 2568, Page 392 (for a called 15.00 acre tract) (for a total called 42.048 acre tract) of the Harris County Deed Records; said 2.381 acre parcel being more particularly described by metes & bounds as follows:

COMMENCING for reference at a capped 5/8 inch iron rod stamped "Hugh Clarkson" found marking the northwest corner of said 42.048 acre tract and a called 17.758 acre tract conveyed to Texas Commerce Bank National Assoc. recorded under Harris County Clerk's File No. S682082, Harris County Deed Records, thence as follows:

South 02 deg. 33 min. 32 sec. West, along the common boundary line of said 42.048 acre tract and said 17.758 acre tract, at 873.38 feet pass a 5/8 inch capped iron rod stamped "Hugh Clarkson" found marking the northeast corner of a called 2.608 acre tract conveyed to 9920 Old Katy Road, L.L.C. by deed recorded in Harris County Clerk's File No. T086773, Harris County Deed Records, a total distance of 1,107.13 feet to a 5/8 inch

iron rod with TxDOT Aluminum cap set marking the POINT OF BEGINNING of the herein described tract of land and having coordinates of X=3,067,250.30 and Y=13,851,118.99; All bearings are based on the Texas State Plane coordinate system, NAD 83 (1993 Adj.), South Central Zone. All coordinates shown are surface and may be converted to grid by Dividing by TxDOT conversion factor of 1.00013;

- 1) THENCE, North 88 deg. 17 min. 34 sec. East, along the proposed north right-of-way line of Interstate Highway No. 10, passing at a distance of 581.91 feet a 5/8 - inch iron rod with TxDOT Aluminum cap marking the 1640+00 baseline station, passing at a distance of 916.84 feet a point (notable to set in building) marking the beginning of a Control of Access Line, and continuing for a total distance of 1,034.81 feet to a P.K. nail set in the east line of said 42.048 acre tract and the common west line of a 7.929 acre tract conveyed to Bernstein-Perwien Properties by deed recorded under Harris County Clerk's File No. T789584, Harris County Deed Records;
- 2) THENCE, South 02 deg. 30 min. 28 sec. East, along the common boundary line of the said 42.048 acre tract and the said 7.929 acre tract, a distance of 104.04 feet to a 1 1/2 inch iron pipe rod found in the existing north right-of-way of Old Katy Road (based on a width called 60 feet);
- 3) THENCE, South 88 deg. 42 min. 54 sec. West, along the existing north right-of-way line, a distance of 1,034.86 feet to a 3/4 inch iron rod found marking the common southerly corner of the said 42.048 acre tract and the 2.608 acre tract;
- 4) THENCE, North 02 deg. 33 min. 22 sec. West, along the common boundary line of said 42.048 and said 2.608 acre tract, a distance of 96.42 feet to the POINT OF BEGINNING and containing 2.381 acres of land, more or less.

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW, THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the number Sequence on the date and at the place named by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

NOV 26 2008



Brenda B. Kayfman
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED
2008 NOV 26 PM 4:00
COUNTY CLERK
HARRIS COUNTY, TEXAS
Brenda B. Kayfman